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Western States Trucking Association, Inc. and
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

STATE OF CALIFORNIA, et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA,
U.S. ENVIRONMENTAL
PROTECTION AGENCY, LEE
ZELDIN, in his official capacity as
Administrator of the U.S.
Environmental Protection Agency,
and DONALD J. TRUMP, in his
official capacity as President of the
United States,

Defendants.

No. 4:25-cv-04966-HSG

**PROPOSED INTERVENOR-
DEFENDANTS WESTERN STATES
TRUCKING ASSOCIATION AND
CONSTRUCTION INDUSTRY AIR
QUALITY COALITION'S MOTION FOR
LEAVE TO FILE MOTION TO DISMISS**

Date: January 22, 2026
Time: 2:00 p.m.
Judge: Hon. Haywood S. Gilliam, Jr.
Action Filed: June 12, 2025

1 **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

2 **NOTICE OF MOTION**

3 PLEASE TAKE NOTICE that on January 22, 2026, at 2:00 p.m., or as soon
4 thereafter as this matter may be heard in the United States District Court for the
5 Northern District of California, 1301 Clay Street, Courtroom 2 (4th Floor), Oakland,
6 CA 94612, Proposed Intervenor-Defendants Western States Trucking Association,
7 Inc. and Construction Industry Air Quality Coalition, Inc. will, and hereby do, move
8 for leave to file the attached motion to dismiss Plaintiffs' Amended Complaint, Dkt.
9 No. 157, as described below.

10 **MOTION FOR LEAVE TO FILE MOTION TO DISMISS**

11 Pursuant to Local Rule 7-2, Proposed Intervenor-Defendants Western States
12 Trucking Association, Inc. ("WSTA") and Construction Industry Air Quality Coalition,
13 Inc. ("CIAQC") (collectively "Proposed Intervenor-Defendants") respectfully move for
14 leave to file a motion to dismiss Plaintiffs' Amended Complaint, Dkt. No. 157.
15 Intervenor-Defendants' motion to dismiss is attached as Exhibit A. This Motion is
16 supported by the Memorandum below.

17 **MEMORANDUM OF POINTS AND AUTHORITIES**

18 **STATEMENT OF ISSUES**

19 1. Whether Proposed Intervenor-Defendants may file a motion to dismiss,
20 attached as Exhibit A.

21 **BACKGROUND**

22 This lawsuit seeks to nullify three laws Congress passed to invalidate Clean
23 Air Act ("CAA") section 209 waivers. Pls.' Am. Compl., Dkt. No. 157 at 45. Those
24 waivers would have allowed California to enforce electric vehicle mandates for
25 passenger cars and heavy-duty vehicles. As a result of the three laws, California is
26 preempted from enforcing its electric vehicle mandates. Proposed Intervenor-
27 Defendants are trade organizations whose members in California use medium- and
28

1 heavy-duty trucks in their ordinary course of business. If Plaintiffs receive their
2 requested relief, California's electrification mandates will directly increase
3 Intervenor-Defendants' costs and decrease their profits. Proposed Intervenor-
4 Defendants moved to intervene to defend their interests. Dkt. No. 112. The motion to
5 intervene is fully briefed and has been taken under submission. Dkt. No. 160.

6 Proposed Intervenor-Defendants attached to their motion to intervene a
7 proposed motion to dismiss based upon Plaintiffs' original complaint. Dkt. No. 112-4.
8 Three weeks later, Plaintiffs filed an amended complaint. Dkt. No. 157. The new
9 motion to dismiss attached as Exhibit A responds to the amended complaint. The
10 Federal Defendants filed their motion to dismiss the amended complaint on November
11 17. Dkt. No. 172.

12 ARGUMENT

13 Plaintiffs' amended complaint does not cure the defects present in their original
14 complaint. Like the original complaint, the amended complaint runs headlong into
15 several jurisdictional defects, including the political questions doctrine, the
16 Congressional Review Act's bar on judicial review, lack of standing, and lack of final
17 agency action. The amended complaint also fails to state a claim because CAA section
18 209 waivers are properly classified as rules and neither Congress nor EPA violated
19 the Tenth Amendment. *See* Exhibit A. The Federal Defendants' motion to dismiss the
20 amended complaint does not use Proposed Intervenor-Defendants' argument that
21 CAA section 209 waivers are rules, so the Federal Defendants continue to
22 inadequately represent Proposed Intervenor-Defendants' interests. Dkt. No. 172.

23 Proposed Intervenor-Defendants' motion to intervene remains pending.
24 Plaintiffs have opposed that motion in part due to the alleged prejudice that Plaintiffs
25 may suffer. Pls.' Opp. to Mot. to Intervene, Dkt. No. 145 at 10. To avoid any delays
26 that may come from Proposed Intervenor-Defendants participating in this case, they
27 are seeking leave to file their motion to dismiss shortly after the Federal Defendants
28 filed their motion to dismiss. Dkt. No. 172; *May v. Google LLC*, No. 24-cv-01314-BLF,

1 2025 U.S. Dist. LEXIS 118937, at *24 (N.D. Cal. June 23, 2025) (proposed intervenor
2 may file motion for leave while motion to intervene is pending); *La. Wildlife &*
3 *Fisheries Comm'n v. Becerra*, No. 2:19-cv-02488-KJM-CKD, 2020 U.S. Dist. LEXIS
4 83777, at *14 (E.D. Cal. May 11, 2020) (granting proposed intervenors' motion for
5 leave to file opposition brief). Proposed Intervenor-Defendants request that the
6 attached motion to dismiss be filed should the Court grant their pending motion to
7 intervene.

8 Dated: November 18, 2025

Respectfully submitted,

9 /s/ Theodore Hadzi-Antich

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20 *and Construction Industry Air Quality*
21 *Coalition, Inc.*

22 *Admitted *pro hac vice*
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CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2025, I served WSTA's and CIAQC's Motion for Leave to File Motion to Dismiss by filing with the Clerk of the Court for the Northern District of California using the CM/ECF system, causing electronic service upon all counsel of record.

/s/ Theodore Hadzi-Antich

Theodore Hadzi-Antich